

02-335-CD  
JOSEPHINE A. GALLO etux -vs- LINDA J. CURRY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civil Division)

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife  
Plaintiffs

v.

LINDA J. CURRY  
Defendant

No. 02-335-CD

Type of Pleading:

**COMPLAINT**

Type of Action:

Personal Injury

Filed on Behalf Of:

Plaintiffs

Counsel for Plaintiffs

William A. Shaw, Jr.  
I.D. # 78007

Attorney at Law  
211 North Second Street  
Clearfield, PA 16830  
(814) 765-1910

JURY TRIAL DEMANDED

**FILED**

MAR 05 2002  
013.07/atty Shaw pd  
William A. Shaw \$80.00  
Prothonotary Acc atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civile Division)

|                                 |   |     |
|---------------------------------|---|-----|
| JOSEPHINE A. GALIO and          | : |     |
| DOMINIC GALIO, husband and wife | : |     |
| Plaintiffs                      | : |     |
|                                 | : |     |
| v.                              | : | No. |
|                                 | : |     |
| LINDA J. CURRY                  | : |     |
| Defendant                       | : |     |

**NOTICE TO DEFEND AND CLAIM RIGHTS**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civil Division)

|                                 |   |     |
|---------------------------------|---|-----|
| JOSEPHINE A. GALIO and          | : |     |
| DOMINIC GALIO, husband and wife | : |     |
| Plaintiffs                      | : |     |
|                                 | : |     |
| v.                              | : | No. |
|                                 | : |     |
| LINDA J. CURRY                  | : |     |
| Defendant                       | : |     |

**COMPLAINT**

**NOW**, comes the Plaintiffs, Josephine A. Galio and Dominic Galio, by and through their attorney, William A. Shaw, Jr., Esquire, and in support of the foregoing Complaint, aver as follows:

1. The Plaintiffs, Josephine A. Galio and Dominic Galio, are husband and wife, adult individuals, citizens of the Commonwealth of Pennsylvania, and residing at 316 Wrigley Street, Clearfield, PA, 16830.
2. The Defendant, Linda J. Curry, is an adult individual and citizen of the Commonwealth of Pennsylvania, residing at RD1 Box 380, Curwensville, PA, 16833.
3. On or about May 10, 2000, at approximately 10:40 am, the Defendant was operating her 1993 Chrysler, Town and Country Mini Van on the trafficway directly in front of the of the County Market.
4. The County Market is a grocery store, located along SR 1001, in Lawrence Township, Clearfield County.

5. Directly in front of the County Market is a two way lane of traffic that travels the length of the County Market and separates the County Market from the County Market parking area.

6. The Defendant stopped the vehicle she was operating directly in front of the entrance to the County Market to drop off a passenger.

7. When the Defendant stopped her vehicle to drop off a passenger, the Defendant was in the right lane of traffic and directly in front of the entrance and exit of the County Market.

8. Because the Defendant was stopped directly in front of the entrance and exit area of the County Market, the Plaintiff Josephine Galio walked behind the Defendant's vehicle to enter County Market.

9. After the Defendant dropped off a passenger in front of the County Market, the Defendant placed her vehicle in reverse and began to move backwards against traffic.

10. Prior to moving backwards in her vehicle, the Defendant negligently failed to look in her mirror, or otherwise determine if it was safe to operate her vehicle in reverse against the traffic pattern.

11. As the Defendant operated her vehicle in reverse, the Defendant's auto struck the Plaintiff, Josephine Galio, knocking the Plaintiff to the ground.

12. As a result of being struck by Defendant, the Plaintiff, Josephine Galio, was transported to the Clearfield County Hospital by ambulance.

13. As a result of being struck by the Defendant, the Plaintiff, Josephine Galio, suffered an intertrochanteric fracture of the right hip.

14. As a result of being struck by the Defendant, the Plaintiff, Josephine Galio, was hospitalized in the Clearfield County Hospital for medical treatment, including surgery

15. On or about May 15, 2000, the Plaintiff, Josephine Galio, was transferred to the Transitional Care Unit of the Clearfield Hospital for rehabilitation.

16. On or about June 4, 2000, while in the Transitional Care Unit of the Clearfield Hospital, the Plaintiff, Josephine Galio, as a result of her injury and impaired condition, fell while in the bathroom.

17. When the Plaintiff, Josephine Galio, fell in the bathroom of the Transitional Care Unit of the Clearfield Hospital, the Plaintiff suffered an acute fracture of the right distal femur, that required the Plaintiff to undergo further medical treatment and surgery.

18. As a normal consequence of Defendant's negligence in striking the Plaintiff, Josephine Galio, on or about May 10, 2000, the Plaintiff suffered an impaired physical condition, requiring the Plaintiff to be admitted to the Transitional Care Unit of the Clearfield Hospital.

19. The Plaintiff, Josephine Galio, would not have fallen in the bathroom of Transitional Care Unit of the Clearfield Hospital on or about June 4, 2000, had the Plaintiff's physical condition not been impaired as a result of being struck by the Defendant on or about May 10, 2000.

20. As a normal consequence of being struck by the Defendant on May 10, 2000, the Plaintiff, Josephine Galio, was admitted to the Transitional Care Unit of the Clearfield Hospital.

**COUNT I**  
**NEGLIGENCE**  
**JOSEPHINE A. GALIO v. LINDA CURRY**

21. Paragraphs 1 - 20 are incorporated herein by reference.

22. The forgoing accident on May 10, 2000, and all of the injuries and damages set forth herein and sustained by Plaintiffs are the direct and proximate result of the negligent, careless, wanton, and reckless manner in which the Defendant, Linda Curry, operated her motor vehicle as follows:

- a. In failing to have the motor vehicle under proper and adequate control;
- b. In failing to keep a careful and diligent watch on the road;
- c. In failing to comply with the provisions of the Pennsylvania Motor Vehicle Code relating to the operation of motor vehicles, specifically as they relate to the aforesaid acts of negligence;
- d. In failing to give warning of approach or intended direction of travel;
- e. In failing to exercise regard for the existence of pedestrians lawfully upon the highway;
- f. With the Plaintiff, Josephine Galio, in full view, the Defendant carelessly and negligently operated her motor vehicle so that it was brought into forcible contact with the Plaintiff, Josephine Galio, causing her to sustain the injuries set forth above;
- g. In failing to operate the motor vehicle in accordance with the existing traffic patterns, conditions, and controls;
- h. In failing to keep a reasonable lookout for pedestrians lawfully upon the highway;
- i. Such other acts or omissions as may be revealed in the course of discovery, or at the trial of this case.

23. As a direct and proximate result of Defendant's negligence, the Plaintiff, Josephine Galio has suffered physical pain, mental anguish, discomfort, inconvenience, and distress.

24. As a direct and proximate result of Defendant's negligence, the Plaintiff,

Josephine Galio, shall continue to suffer physical pain, mental anguish, discomfort, inconvenience, and distress.

25. As a direct and proximate result of Defendant's negligence, the Plaintiff, Josephine Galio, has endured and will continue to endure embarrassment and humiliation.

26. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, is unable to walk without the assistance of a walker.

27. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, walks with a limp.

28. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has suffered disfigurement.

29. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has undergone and in the future will undergo great inconvenience decreased ability to:

- a. Fully participate in her avocations and recreational activities.
- b. Enjoy a sense of peace and well being.
- c. Enjoy peaceful sleep
- d. Enjoy social activities.

30. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has undergone and will undergo in the future enjoyment of life.

31. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, is unable to climb the stairs in her home, or otherwise use the bathing facilities in her home.

32. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine

Galio, has incurred expenses in installing a temporary bathing facility in her home.

33. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, believes and therefore avers that she will be required to either purchase a new home or modify her existing home to provide a living environment suitable for her physical condition.

34. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has incurred miscellaneous expenses in an effort to restore herself to health.

35. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, believes and therefore avers that she may be required to incur similar expenses in the future in an effort to restore herself to health.

36. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has received medical treatment wherein medical expenses were paid under applicable insurance programs, and a subrogation lien is in effect.

37. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has incurred medical expenses for which she is liable.

**WHEREFORE**, the Plaintiff Josephine Galio demands judgment against the Defendant, Linda Curry, in an amount in excess \$20,000.00, exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration.

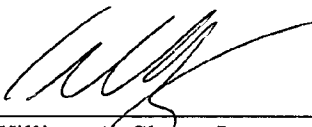
**COUNT II**  
**LOSS OF CONSORTIUM**  
**DOMINIC GALIO v. LINDA CURRY**

38. Paragraphs 1 - 32 are incorporated herein by reference.

39. As a direct and proximate result of Defendant's negligence, the Plaintiff Dominic Galio, has been and shall in the future be deprived of the care, companionship, and consortium of his wife, the Plaintiff, Josephine Galio.

**WHEREFORE**, the Plaintiff Dominic Galio demands judgment against the Defendant, Linda Curry, in an amount in excess \$20,000.00, exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration.

Respectfully Submitted,

  
\_\_\_\_\_  
William A. Shaw, Jr.  
For Plaintiffs

**VERIFICATION**

We, Josephine Galio and Dominic Galio, verify that the statements made herein are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Date: 3 / 1 / 02

Josephine Galio  
Josephine Galio

Date: 3 / 1 / 02

Dominic Galio  
Dominic Galio



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civil Division)

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife,  
Plaintiffs

v.

No. 02-335-CD

LINDA J. CURRY,  
Defendant

v.

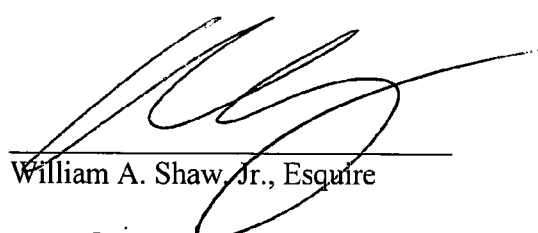
CLEARFIELD HOSPITAL,  
Additional Defendant

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please discontinue the above-captioned case filed on behalf of the Plaintiffs, Josephine  
A. Galio and Dominic Galio.

Date: 4/14/05

  
William A. Shaw, Jr., Esquire

**FILED**

01 10:50 AM  
APR 15 2005

William A. Shaw  
Prothonotary/Clerk of Courts

4CC  
4 Cert. of Disc.

to Atty Shaw

Cert. of Disc.

to C/A

**IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**Josephine A. Galio  
Dominic Galio**

**Vs.**

**No. 2002-00335-CD**

**Linda J. Curry  
Clearfield Hospital**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 15, 2005, marked:

Discontinued

Record costs in the sum of \$80.00 have been paid in full by William A. Shaw, Jr., Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of April A.D. 2005.

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William A. Shaw, Prothonotary

Date: 02/24/2005

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 09:02 AM

ROA Report

Page 1 of 2

Case: 2002-00335-CD

Current Judge: Fredric Joseph Ammerman

Josephine A. Galio, Dominic Galio vs. Linda J. Curry, Clearfield Hospital

Civil Other

| Date       |  | Judge                |
|------------|--|----------------------|
| 03/05/2002 | Filing: Civil Complaint Paid by: Shaw, William A. Jr. (attorney for Galio, Josephine A) Receipt number: 1839182 Dated: 03/05/2002 Amount: \$80.00 (Check) Four CC Attorney   | No Judge ✓           |
| 03/27/2002 | Praecipe for Entry of Appearance, filed on behalf of Defendant by Matthew B. Taladay, Esquire<br>no cc   | No Judge ✓           |
| 04/09/2002 | Answer and New Matter. Filed by s/Matthew B. Taladay, Esq. no cc<br>Verification. s/Linda J. Curry Certificate of Service no cc  | No Judge ✓           |
| 04/26/2002 | Complaint To Join Additional Defendant. Filed by s/Matthew B. Taladay, Esq. Verification s/Linda J. Curry Certificate of Service 1 cc Sheriff  | No Judge ✓           |
| 04/30/2002 | Answer to New Matter. Filed by s/William A. Shaw, Jr., Esq. Verification s/Josephine Galio Certificate of Service 3 cc Atty Shaw   | No Judge ✓           |
| 05/02/2002 | Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm   | No Judge ✓           |
| 05/20/2002 | Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm   | No Judge ✓           |
| 05/21/2002 | Praecipe for Entry of Appearance, on behalf of Clearfield Hospital, additional defendant, filed by s/Michael A. Sosnowski, Esq. No CC  | No Judge ✓           |
| 05/29/2002 | Preliminary Objections To Complaint To Join Additional Defendant. Filed by s/Michael A. Sosnowski, Esquire no cc   | No Judge ✓           |
| 06/13/2002 | Original Defendant's Memorandum in Response to Preliminary Objections of Additional Defendant. Filed by s/Matthew B. Taladay, Esq. Certificate of Service no cc  | No Judge ✓           |
| 09/04/2002 | ORDER, filed Cert. to Atty. Shaw, Taladay & Sosnowski<br>NOW, this 4th day of September, 2002, ORDER of this Court that said Objections are granted to the extent tha the Original Defendant shall file a more specific pleading with the regards to paragraph 5 of said Complaint within 30 days from completeion of discovery. | John K. Reilly Jr. ✓ |
| 09/09/2002 | Notice of Service, Defendant's FIRST SET OF DISCOVERY MATERIALS upon Michael A. Sosnowski, Esq. w/copy to William A. Shaw, Jr., Esq. s/Matthew B. Taladay, Esq. no cc  | John K. Reilly Jr. ✓ |
| 09/16/2002 | Notice of Service of General Interrogatories, Expert Interrogatories and Request for Production of Documents Directed to Original Defendant Dated 9/13/02, upon MATTHEW TALADAY, ESQ. s/Michael A. Sosnowski, Esq. no cc   | John K. Reilly Jr. ✓ |
| 10/16/2002 | Notice of Service of Answers to Original Defendant's Interrogatories and Request For Production of Documents upon MATTHEW B. TALADAY, ESQ. filed by s/Michael A. Sosnowski, Esq. no cc   | John K. Reilly Jr. ✓ |
| 10/23/2002 | Notice of Service, Responses To Discovery Materials of Additional Defendant to: Michael A. Sosnowski, Esq. w/copy to: William A. Shaw, Jr., Esq. filed by s/Matthew B. Taladay, Esq. no cc   | John K. Reilly Jr. ✓ |
| 01/15/2003 | Certificate of Service, Notice of Deposition upon WILLIAM A. SHAW, JR., ESQ. and copy to MICHAEL A. SOSNOWSKI, ESQ. s/Matthew B. Taladay, Esq. no cc   | John K. Reilly Jr. ✓ |
|            | Motion to Compel Discovery. filed by s/Matthew B. Taladay, Esq. 1 cc Atty Taladay  | John K. Reilly Jr. ✓ |

**COURT OF COMMON PLEAS, CLEARFIELD COUNTY  
PENNSYLVANIA**

**CASE NO. 04-704-CR**

**Date of Jury Selection: January 27, 2005**

**Presiding Judge: Fredric J. Ammerman,  
President Judge**

**COMMONWEALTH OF  
PENNSYLVANIA**

**Court Reporter: \_\_\_\_\_**

**VS**

**Date of Trial: February 11, 2005**

**TINA MCCARTNEY**

**Date Trial Ended: \_\_\_\_\_**

**Charges:** Driving Under the Influence (Incapable Safe Driving); Open Container of Alcoholic Beverage; Reckless Driving; Careless Driving; Driving on Roadways Laned for Traffic; Limitation on Overtaking on Left

**MEMBERS OF THE JURY**

1. CAROLE PRY
2. LYNNWOOD RADAKER
3. MATTHEW SWANSON
4. SHERRI ROWLES
5. THOMAS WEBB
6. DAVID GATEWOOD
- ALT #1 MARTHA WHITE

7. DAVID MICELLI
8. BETSY BRACKEN
9. BRENDA BUCK
10. BARBARA REYNOLDS
11. GERALD BUMBARGER
12. WILLIS ROTHROCK
- ALT #2 CARL MANN

**COMMONWEALTH WITNESSES:**

**DEFENSE WITNESSES:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**DIST. ATTY: Kristine Kitko, Esquire, Asst.  
District Attorney**

**DEF. ATTY: Gary Knaresboro, Esquire**

**ADDRESS TO JURY: \_\_\_\_\_**

**ADDRESS TO JURY: \_\_\_\_\_**

**JUDGE'S ADDRESS TO JURY: \_\_\_\_\_**

**JURY OUT: \_\_\_\_\_ JURY IN: \_\_\_\_\_**

**VERDICT: \_\_\_\_\_**

**FOREPERSON: \_\_\_\_\_**

Date: 02/24/2005

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 09:02 AM

ROA Report

Page 2 of 2

Case: 2002-00335-CD

Current Judge: Fredric Joseph Ammerman

Josephine A. Galio, Dominic Galio vs. Linda J. Curry, Clearfield Hospital

Civil Other

| Date       |   | Judge                     |
|------------|---|---------------------------|
| 01/17/2003 | ORDER, AND NOW, this 17th day of January, 2003, re; Additional Defendant, CLEARFIELD HOSPITAL shall appear by counsel and present its employees for purposes of deposition on Feb. 18, 2003, at 11:00 a.m. at the Law Office of W. A. Shaw, Jr. Esq., 211 N. 2nd St., Clearfield, Pa. by the Court, s/JKR,JR.,P.J. 1 cc Atty Taladay      | John K. Reilly Jr. ✓      |
| 01/22/2003 | Certificate of Service of Motion to Compel Discovery and Order of Court. No CC.   | John K. Reilly Jr. ✓      |
| 06/19/2003 | Amended Complaint to Join Additional Defendant. filed by s/Matthew B. Taladay, Esquire Verification s/Linda J. Curry Certificate of Service no cc   | John K. Reilly Jr. ✓      |
| 07/11/2003 | Answer, New Matter and New Matter Pursuant To Pa. R.C.P. 2252(D) filed by s/Michael A. Sosnowski, Esquire Verification s/Thomas J. Conlin no cc   | John K. Reilly Jr. ✓      |
| 07/17/2003 | Reply to New Matter filed on behalf of Defendant. No CC   | John K. Reilly Jr. ✓      |
| 04/23/2004 | Notice of Service of Expert Interrogatories and Request For Production of Documents Directed To Plaintiff Josephine A. Galio Dated 04/21/04. filed by, s/Michael A. Sosnowski, Esquire no cc  | John K. Reilly Jr. ✓      |
| 01/26/2005 | Order, AND NOW, this 26th day of Jan., 2005, it is the ORDER of the Court that a status conference in the above-captioned matter is hereby scheduled for Tuesday, March 1, 2005 at 9:00 a.m. in Courtroom No. 1, Clfd. Co. Courthouse. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 1CC Attys: W. Shaw Jr., Taladay, Sosnowski | Fredric Joseph Ammerman ✓ |

**COURT OF COMMON PLEAS, CLEARFIELD COUNTY  
PENNSYLVANIA**

**CASE NO. 04-704-CR**

**Date of Jury Selection: January 27, 2005**

**Presiding Judge: Fredric J. Ammerman,  
President Judge**

**COMMONWEALTH OF  
PENNSYLVANIA**

**Court Reporter: \_\_\_\_\_**

**VS**

**Date of Trial: February 11, 2005**

**TINA MCCARTNEY**

**Date Trial Ended: \_\_\_\_\_**

**Charges:** Driving Under the Influence (Incapable Safe Driving); Open Container of Alcoholic Beverage; Reckless Driving; Careless Driving; Driving on Roadways Laned for Traffic; Limitation on Overtaking on Left

**MEMBERS OF THE JURY**

**1. CAROLE PRY  
2. LYNNWOOD RADAKER  
3. MATTHEW SWANSON  
4. SHERRI ROWLES  
5. THOMAS WEBB  
6. DAVID GATEWOOD  
ALT #1 MARTHA WHITE**

**7. DAVID MICELLI  
8. BETSY BRACKEN  
9. BRENDA BUCK  
10. BARBARA REYNOLDS  
11. GERALD BUMBARGER  
12. WILLIS ROTHROCK  
ALT #2 CARL MANN**

**COMMONWEALTH WITNESSES:**

**DEFENSE WITNESSES:**

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_

**DIST. ATTY: Kristine Kitko, Esquire, Asst.  
District Attorney**

**DEF. ATTY: Gary Knaresboro, Esquire**

**ADDRESS TO JURY: \_\_\_\_\_**

**ADDRESS TO JURY: \_\_\_\_\_**

**JUDGE'S ADDRESS TO JURY: \_\_\_\_\_**

**JURY OUT: \_\_\_\_\_ JURY IN: \_\_\_\_\_**

**VERDICT: \_\_\_\_\_**

**FOREPERSON: \_\_\_\_\_**

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Praecipe for  
Entry of Appearance

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

MAR 27 2002

m110:45110rc  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

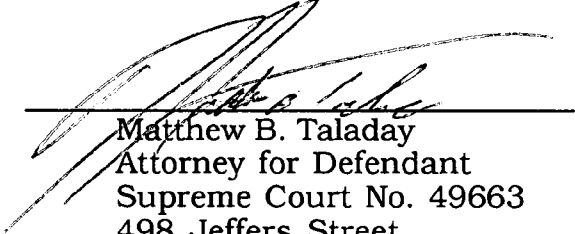
No. 02-335-CD

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendant, Linda J.  
Curry, in the above captioned matter.

Dated: 3-26-02

  
Matthew B. Taladay  
Attorney for Defendant  
Supreme Court No. 49663  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

cc: William A. Shaw, Esq.  
211 North Second Street  
Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Answer and  
New Matter

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

You are hereby notified to plead  
to the within pleading within twenty  
(20) days of service thereof or default  
judgment may be entered against you.



**FILED**

APR 10 2002

11:30 AM cc

William A. Shaw

Prothonotary



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

No. 02-335-CD

**ANSWER**

AND NOW, comes the Defendant, Linda J. Curry, by her attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiffs' Complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Defendant is without information as to why Plaintiff, Josephine Galio, walked behind Defendant's vehicle, however, upon information it is believed that Plaintiff, Josephine Galio, did, in fact, walk behind Defendant's vehicle.
9. Denied as stated. It is admitted that Defendant placed her vehicle in reverse and began to move her vehicle backward

after dropping off her passenger. However, it is denied that this movement was "against traffic".

10. Denied.

11. Admitted.

12. Denied as stated. It is admitted that Plaintiff, Josephine Galio, was transported to the Clearfield Hospital by ambulance. It is denied that Plaintiff, Josephine Galio, was struck by the Defendant. More accurately, Josephine Galio was bumped by Defendant's automobile.

13. Admitted in part and denied in part. It is admitted that Plaintiff, Josephine Galio, suffered an intertrochanteric fracture of the right hip as a result of the accident involving Defendant's automobile. It is denied that Defendant struck Josephine Galio.

14. Denied as stated. It is admitted that Josephine Galio was hospitalized in the Clearfield Hospital for medical treatment including surgery.

15. Admitted.

16. It is admitted that on or about June 4, 2000, the Plaintiff, Josephine Galio, fell while in Transitional Care Unit of Clearfield Hospital. It is denied that this fall was the result of any acts or omissions of the Defendant. To the contrary, this fall was the direct result of acts or omissions of the Plaintiff or of third parties.

17. Admitted.

18. Denied as stated. It is admitted that the injuries sustained by Josephine Galio in the accident of May 10, 2000 resulted in her being admitted to the Transitional Care Unit of Clearfield Hospital.

19. Denied as stated. It is admitted that Plaintiff, Josephine Galio, would not have been in the Transitional Care Unit of Clearfield Hospital on June 4, 2000 if not for the accident of May 10, 2000. However, it is denied that the accident of May 10, 2000 was the proximate cause of Plaintiff's June 4, 2000 fall.

20. Denied as stated. Defendant incorporates her response to paragraph 19 as if set forth in full herein.

**COUNT I**  
**NEGLIGENCE**  
**JOSEPHINE A. GALIO vs. LINDA CURRY**

21. Paragraphs 1 through 20 of the Answer are incorporated herein by reference as if fully set forth herein.

22. Defendant admits responsibility for the accident of May 10, 2000. Defendant specifically denies all allegations of negligence.

23. - 37. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraphs 23 through 37 of Plaintiff's Complaint, and therefore the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in her favor.

**COUNT II**  
**LOSS OF CONSORTIUM**  
**DOMINIC GALIO vs. LINDA CURRY**

38. Paragraphs 1 through 37 of the Answer are incorporated herein by reference as if fully set forth herein.

39. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 39 of Plaintiff's Complaint, and therefore the same are denied and strict proof thereof is demanded at the time of trial.

**NEW MATTER**

40. Defendant incorporates paragraphs 1 through 39 of the Complaint and her answers thereto as if set forth in full.

41. The injuries incurred by Plaintiff as a result of her fall on June 4, 2000 result in whole or in part due to Plaintiff's own carelessness and not the proximate result of any acts or omissions of Defendant.

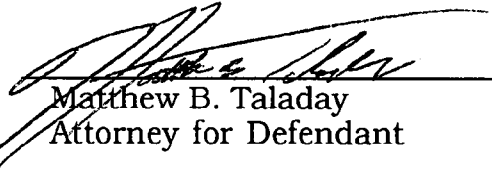
42. The injuries sustained by Plaintiff as the result of her fall on June 4, 2000 are in whole or in part the result of negligence of third parties for which Defendant is not liable.

WHEREFORE, Defendant demands judgment in her favor.

Respectfully submitted,

Hanak, Guido and Taladay

By

  
Matthew B. Taladay  
Attorney for Defendant

**VERIFICATION**

I, **Linda J. Curry**, do hereby verify that I have read the foregoing Answer & New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 4/4/02

Linda J. Curry  
Linda J. Curry

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

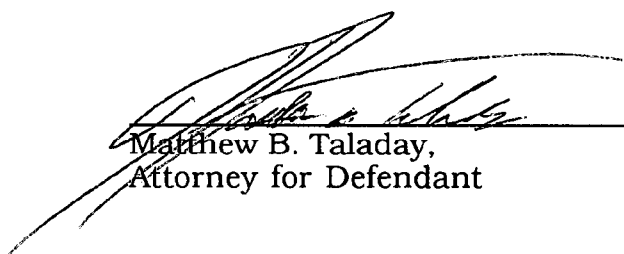
Defendant

No. 02-335-CD

**CERTIFICATE OF SERVICE**

I certify that on the 8th day of April, 2002, a true and correct copy of Defendant's Answer and New Matter was sent via first class mail, postage prepaid, to the following:

William A. Shaw, Jr., Esq.  
Attorney for Plaintiffs  
211 North Second Street  
Clearfield, PA 16830



Matthew B. Taladay,  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,  
Plaintiffs

-vs-

LINDA J. CURRY,  
Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Complaint to Join  
Additional Defendant

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

APR 26 2007

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

No. 02-335-CD

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of Court Administrator  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830

(814) 765-2641 Ext. 1303



which time Plaintiff sustained a fractured left leg as a result of a fall in a bathroom in the Clearfield Hospital Transitional Care Unit.

4. Defendant, Linda J. Curry, denies that she is in any way liable for injuries sustained by Defendant as a result of her fall at the Clearfield Hospital.

5. Liability for the injuries sustained by Plaintiff on June 4, 2000 are solely or partially the fault of the negligence of Clearfield Hospital, which is as follows:

(a) Failure to provide proper care and supervision to Plaintiff;

(b) Failure to provide appropriate assistance to Plaintiff in the utilization of the Transitional Care Unit bathroom facilities;

(c) Failure to provide adequate and proper facilities to accommodate Plaintiff's condition;

(d) Failure to provide adequate and proper safety measures to prevent or minimize Plaintiff's injuries;

(e) Failure to properly train, supervise and/or dispatch personnel to care for, supervise and assist Plaintiff during her stay at Clearfield Hospital facilities;

(f) Failure to adopt proper policies, procedures and safeguards that would have prevented Plaintiff's injuries.

6. As a result of the negligence aforesaid, Additional Defendant, Clearfield Hospital, is solely or partially liable for the injuries sustained by Plaintiff as a result of her fall on June 4, 2000. In the event that Defendant, Linda J. Curry, is in any way found responsible to Plaintiff for her injuries of June 4, 2000, then

Defendant, Linda J. Curry, may have judgment over and against Additional Defendant, Clearfield Hospital, by way of indemnification and/or contribution in any amount so recovered by Plaintiff and against Defendant, together with costs.

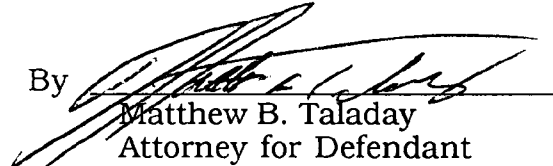
WHEREFORE, Defendant Curry demands:

- (1) Judgment in her favor, together with costs;
- (2) Judgment that, if there is any liability to Plaintiff, Additional Defendant, Clearfield Hospital, is solely liable to Plaintiff;
- (3) In the event that a verdict is recovered by Plaintiff against Defendant that Defendant may have judgment over and against Additional Defendant, Clearfield Hospital, by way of indemnity and/or contribution for the amount recovered by Plaintiff against Defendant, together with costs.

A JURY TRIAL IS DEMANDED.

HANAK, GUIDO AND TALADAY

By

  
Matthew B. Taladay  
Attorney for Defendant

**VERIFICATION**

I, **Linda J. Curry**, do hereby verify that I have read the foregoing Complaint to Join Additional Defendant. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 4/20/02

Linda J. Curry  
Linda J. Curry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civil Division)

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife  
Plaintiffs

v.

LINDA J. CURRY  
Defendant

No. *C2-335-CO*

Type of Pleading:

**COMPLAINT**

Type of Action:

Personal Injury

Filed on Behalf Of:

Plaintiffs

Counsel for Plaintiffs

William A. Shaw, Jr.  
I.D. # 78007

Attorney at Law  
211 North Second Street  
Clearfield, PA 16830  
(814) 765-1910

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

JURY TRIAL DEMANDED

MAR 05 2002

1

Attest.

*Love, S.A.*  
Prothonotary/  
Clerk of Courts

**EXHIBIT "A"**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civile Division)

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife  
Plaintiffs

v.

LINDA J. CURRY  
Defendant

No.

**NOTICE TO DEFEND AND CLAIM RIGHTS**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civil Division)

|                                 |   |     |
|---------------------------------|---|-----|
| JOSEPHINE A. GALIO and          | : |     |
| DOMINIC GALIO, husband and wife | : |     |
| Plaintiffs                      | : |     |
|                                 | : |     |
| v.                              | : | No. |
|                                 | : |     |
| LINDA J. CURRY                  | : |     |
| Defendant                       | : |     |

**COMPLAINT**

NOW comes the Plaintiffs, Josephine A. Galio and Dominic Galio, by and through their attorney, William A. Shaw, Jr., Esquire, and in support of the foregoing Complaint, aver as follows:

1. The Plaintiffs, Josephine A. Galio and Dominic Galio, are husband and wife, adult individuals, citizens of the Commonwealth of Pennsylvania, and residing at 316 Wrigley Street, Clearfield, PA, 16830.

2. The Defendant, Linda J. Curry, is an adult individual and citizen of the Commonwealth of Pennsylvania, residing at RD1 Box 380, Curwensville, PA, 16833.

3. On or about May 10, 2000, at approximately 10:40 am, the Defendant was operating her 1993 Chrysler, Town and Country Mini Van on the trafficway directly in front of the of the County Market.

4. The County Market is a grocery store, located along SR 1001, in Lawrence Township, Clearfield County.

5. Directly in front of the County Market is a two way lane of traffic that travels the length of the County Market and separates the County Market from the County Market parking area.

6. The Defendant stopped the vehicle she was operating directly in front of the entrance to the County Market to drop off a passenger.

7. When the Defendant stopped her vehicle to drop off a passenger, the Defendant was in the right lane of traffic and directly in front of the entrance and exit of the County Market.

8. Because the Defendant was stopped directly in front of the entrance and exit area of the County Market, the Plaintiff Josephine Galio walked behind the Defendant's vehicle to enter County Market.

9. After the Defendant dropped off a passenger in front of the County Market, the Defendant placed her vehicle in reverse and began to move backwards against traffic.

10. Prior to moving backwards in her vehicle, the Defendant negligently failed to look in her mirror, or otherwise determine if it was safe to operate her vehicle in reverse against the traffic pattern.

11. As the Defendant operated her vehicle in reverse, the Defendant's auto struck the Plaintiff, Josephine Galio, knocking the Plaintiff to the ground.

12. As a result of being struck by Defendant, the Plaintiff, Josephine Galio, was transported to the Clearfield County Hospital by ambulance.

13. As a result of being struck by the Defendant, the Plaintiff, Josephine Galio, suffered an intertrochanteric fracture of the right hip.

14. As a result of being struck by the Defendant, the Plaintiff, Josephine Galio, was hospitalized in the Clearfield County Hospital for medical treatment, including surgery

15. On or about May 15, 2000, the Plaintiff, Josephine Galio, was transferred to the Transitional Care Unit of the Clearfield Hospital for rehabilitation.

16. On or about June 4, 2000, while in the Transitional Care Unit of the Clearfield Hospital, the Plaintiff, Josephine Galio, as a result of her injury and impaired condition, fell while in the bathroom.

17. When the Plaintiff, Josephine Galio, fell in the bathroom of the Transitional Care Unit of the Clearfield Hospital, the Plaintiff suffered an acute fracture of the right distal femur, that required the Plaintiff to undergo further medical treatment and surgery.

18. As a normal consequence of Defendant's negligence in striking the Plaintiff, Josephine Galio, on or about May 10, 2000, the Plaintiff suffered an impaired physical condition, requiring the Plaintiff to be admitted to the Transitional Care Unit of the Clearfield Hospital.

19. The Plaintiff, Josephine Galio, would not have fallen in the bathroom of ~~the Transitional Care Unit of the Clearfield Hospital~~ on or about June 4, 2000, had the Plaintiff's physical condition not been impaired as a result of being struck by the Defendant on or about May 10, 2000.

20. As a normal consequence of being struck by the Defendant on May 10, 2000, the Plaintiff, Josephine Galio, was admitted to the Transitional Care Unit of the Clearfield Hospital.

**COUNT I  
NEGLIGENCE  
JOSEPHINE A. GALIO v. LINDA CURRY**

21. Paragraphs 1 - 20 are incorporated herein by reference.

22. The forgoing accident on May 10, 2000, and all of the injuries and damages set forth herein and sustained by Plaintiffs are the direct and proximate result of the negligent, careless, wanton, and reckless manner in which the Defendant, Linda Curry, operated her motor vehicle as follows:

- a. In failing to have the motor vehicle under proper and adequate control;
- b. In failing to keep a careful and diligent watch on the road;
- c. In failing to comply with the provisions of the Pennsylvania Motor Vehicle Code relating to the operation of motor vehicles, specifically as they relate to the aforesaid acts of negligence;
- d. In failing to give warning of approach or intended direction of travel;
- e. In failing to exercise regard for the existence of pedestrians lawfully upon the highway;
- f. With the Plaintiff, Josephine Galio, in full view, the Defendant carelessly and negligently operated her motor vehicle so that it was brought into forcible contact with the Plaintiff, Josephine Galio, causing her to sustain the injuries set forth above;
- g. In failing to operate the motor vehicle in accordance with the existing traffic patterns, conditions, and controls;
- h. In failing to keep a reasonable lookout for pedestrians lawfully upon the highway;
- i. Such other acts or omissions as may be revealed in the course of discovery, or at the trial of this case.

23. As a direct and proximate result of Defendant's negligence, the Plaintiff, Josephine Galio has suffered physical pain, mental anguish, discomfort, inconvenience, and distress.

24. As a direct and proximate result of Defendant's negligence, the Plaintiff,

Josephine Galio, shall continue to suffer physical pain, mental anguish, discomfort, inconvenience, and distress.

25. As a direct and proximate result of Defendant's negligence, the Plaintiff, Josephine Galio, has endured and will continue to endure embarrassment and humiliation.

26. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, is unable to walk without the assistance of a walker.

27. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, walks with a limp.

28. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has suffered disfigurement.

29. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has undergone and in the future will undergo great inconvenience decreased ability to:

- a. Fully participate in her avocations and recreational activities.
- b. Enjoy a sense of peace and well being.
- c. Enjoy peaceful sleep
- d. Enjoy social activities.

30. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has undergone and will undergo in the future enjoyment of life.

31. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, is unable to climb the stairs in her home, or otherwise use the bathing facilities in her home.

32. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine

Galio, has incurred expenses in installing a temporary bathing facility in her home.

33. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, believes and therefore avers that she will be required to either purchase a new home or modify her existing home to provide a living environment suitable for her physical condition.

34. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has incurred miscellaneous expenses in an effort to restore herself to health.

35. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, believes and therefore avers that she may be required to incur similar expenses in the future in an effort to restore herself to health.

36. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has received medical treatment wherein medical expenses were paid under applicable insurance programs, and a subrogation lien is in effect.

37. As a direct and proximate result of Defendant's negligence, the Plaintiff Josephine Galio, has incurred medical expenses for which she is liable.

**WHEREFORE,** the Plaintiff Josephine Galio demands judgment against the Defendant, Linda Curry, in an amount in excess \$20,000.00, exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration.

**COUNT II  
LOSS OF CONSORTIUM  
DOMINIC GALIO v. LINDA CURRY**

38. Paragraphs 1 - 32 are incorporated herein by reference.

39. As a direct and proximate result of Defendant's negligence, the Plaintiff Dominic Galio, has been and shall in the future be deprived of the care, companionship, and consortium of his wife, the Plaintiff, Josephine Galio.

**WHEREFORE**, the Plaintiff Dominic Galio demands judgment against the Defendant, Linda Curry, in an amount in excess \$20,000.00, exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration.

Respectfully Submitted,



William A. Shaw, Jr.  
For Plaintiffs

VERIFICATION

We, Josephine Galio and Dominic Galio, verify that the statements made herein are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Date: 3 / 1 / 02

Josephine Galio  
Josephine Galio

Date: 3 / 1 / 02

Dominic Galio  
Dominic Galio

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,  
Plaintiffs

-vs-

LINDA J. CURRY,  
Defendant

-vs-

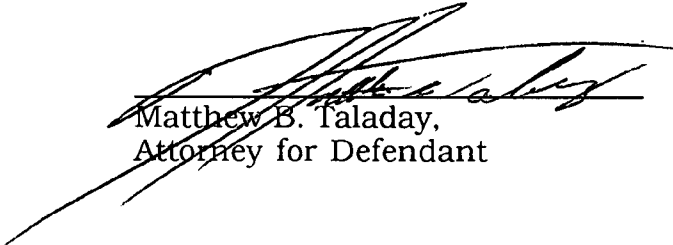
CLEARFIELD HOSPITAL,  
Additional Defendant

No. 02-335-CD

**CERTIFICATE OF SERVICE**

I certify that on the 25<sup>th</sup> day of April, 2002, a true and correct copy of Defendant's Complaint to Join Additional Defendant was sent via first class mail, postage prepaid, to the following:

William A. Shaw, Jr., Esq.  
Attorney for Plaintiffs  
21 North Second Street  
Clearfield, PA 16830

  
Matthew B. Taladay,  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civil Division)

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife  
Plaintiffs

v.

LINDA J. CURRY  
Defendant

No.02-335-CD

Type of Pleading:

**ANSWER TO NEW MATTER**

Type of Action:

Personal Injury

Filed on Behalf Of:

Plaintiffs

Counsel for Plaintiffs

William A. Shaw, Jr.  
I.D. # 78007

Attorney at Law  
211 North Second Street  
Clearfield, PA 16830  
(814) 765-1910

**FILED**

APR 30 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civile Division)

|                                 |   |               |
|---------------------------------|---|---------------|
| JOSEPHINE A. GALIO and          | : |               |
| DOMINIC GALIO, husband and wife | : |               |
| Plaintiffs                      | : |               |
|                                 | : |               |
| v.                              | : | No. 02-335-CD |
|                                 | : |               |
| LINDA J. CURRY                  | : |               |
| Defendant                       | : |               |

**ANSWER TO NEW MATTER**

**NOW**, comes the Plaintiff, Josephine A. Galio, by and through her attorney,  
William A. Shaw, Jr., Esquire, and in response to Defendant's New Matter, Answers as follows:

40. No response required.

41. Denied.

42. Plaintiff is without information sufficient to form a belief as to the truth of this  
averment, and therefore the same is denied and strict proof thereof is demanded at trial.

WHEREFORE, the Plaintiff Josephine Galio, requests this Honorable Court enter  
Judgment in her favor.

Respectfully Submitted,



William A. Shaw, Jr.  
For Plaintiff

**VERIFICATION**

I, Josephine Galio, verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: 7 / 30 / 02

Josephine A. Galio  
Josephine Galio

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(Civile Division)

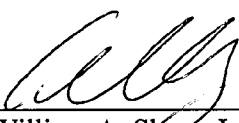
|                                 |   |               |
|---------------------------------|---|---------------|
| JOSEPHINE A. GALIO and          | : |               |
| DOMINIC GALIO, husband and wife | : |               |
| Plaintiffs                      | : |               |
|                                 | : |               |
| v.                              | : | No. 02-335-CD |
|                                 | : |               |
| LINDA J. CURRY                  | : |               |
| Defendant                       | : |               |

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of Plaintiff's Answer to New Matter was served in the manner indicated upon the following:

(U.S. Mail/1stClass/Postage Pre-Paid)  
Matthew B. Taladay, Esquire  
498 Jeffers Street  
PO Box 487  
DuBois, PA 15801

Date: 4/30/02

  
\_\_\_\_\_  
William A. Shaw, Jr.

**FILED**

APR 30 2002

0/220/3cc atty Shaw  
William A. Shaw  
Prothonotary  
E. K. K.

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 12221

GALIO, JOSEPHINE A. & DOMINIC

02-335-CD

VS.

CURRY, LINDA J.

**COMPLAINT**

**SHERIFF RETURNS**

NOW MARCH 12, 2002 AT 7:30 AM EST SERVED THE WITHIN COMPLAINT ON  
LINDA J. CURRY, DEFENDANT AT EMPLOYMENT, CURWENSVILLE HOME HEALTH,  
CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LINDA J.  
CURRY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE  
KNOWN TO HER THE CONTENTS THEREOF.  
SERVED BY: DAVIS/MORGILLO

**Return Costs**

| Cost  | Description                  |
|-------|------------------------------|
| 26.14 | SHFF. HAWKINS PAID BY: ATTY. |
| 10.00 | SURCHARGE PAID BY; ATTY.     |

**FILED**

MAY 02 2002  
014:00  
William A. Shaw  
Prothonotary

Sworn to Before Me This

12th Day Of May 2002  
*William A. Shaw*

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

*Chester A. Hawkins*  
*My Nauty Ham*  
Chester A. Hawkins  
Sheriff

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 12452

GALIO, JOSEPHINE A. & DOMINIC

02-335-CD

VS.

CURRY, LINDA J. -VS- CLEARFIELD HOSPITAL

COMPLAINT TO JOIN ADDITIONAL DEFENDANT

**SHERIFF RETURNS**

NOW MAY 10, 2002 AT 2:19 PM DST SERVED THE WITHIN COMPLAINT TO  
JOIN ADDITIONAL DEFENDANT ON CLEARFIELD HOSPITAL, DEFENDANT AT  
EMPLOYMENT, 809 TURNPIKE AVE., CLEARFIELD, CLEARFIELD COUNTY,  
PENNSYLVANIA BY HANDING TO ELAINE KARCHNER, ADM. SEC. A TRUE AND  
ATTESTED COPY OF THE ORIGNIAL COMPLAINT TO JOIN ADDITIONAL DEFENDANT  
AND MADE KNOWN TO HER THE CONTENTS THEREOF.  
SERVE BY: COUDRIET

**Return Costs**

| Cost  | Description                  |
|-------|------------------------------|
| 20.34 | SHFF. HAWKINS PAID BY: ATTY. |
| 10.00 | SURCHARGE PAID BY: ATTY.     |

**FILED**

MAY 20 2002  
0323  
William A. Shaw  
Prothonotary

*E. Karchner*

Sworn to Before Me This

*20th* Day Of *May* 2002  
*William A. Shaw*

WILLIAM A. A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

*Chester A. Hawkins*  
*My Deputy*  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

LINDA J. CURRY,

Defendant.

vs.

CLEARFIELD HOSPITAL,

Additional Defendant.

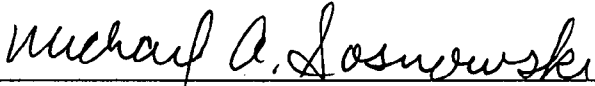
No.: 02-335-CD

**ISSUE: PRAECIPE FOR ENTRY OF  
APPEARANCE**

Filed on Behalf of Additional Defendant:  
**CLEARFIELD HOSPITAL**

Counsel of Record for This Party:  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA ID# 67207**  
P.O. Box 533  
Hollidaysburg, PA 16648  
PH: 814/696-3581  
FAX: 814/696-9399

I CERTIFY THAT A TRUE AND CORRECT  
COPY OF THE WITHIN HAS BEEN SERVED  
ON ALL COUNSEL OF RECORD THIS 20<sup>TH</sup>  
DAY OF **MAY, 2002.**

  
Attorneys for Named Defendants

**FILED**

**MAY 21 2002**

William A. Shaw  
Prothonotary

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

LINDA J. CURRY,

Defendant.

vs.

CLEARFIELD HOSPITAL,

Additional Defendant.

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA

No.: 02-335-CD

**JURY TRIAL DEMANDED**

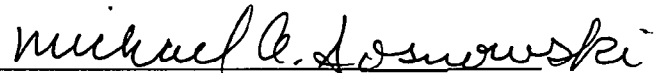
**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Kindly enter my appearance as counsel of record for the Additional Defendant,

**CLEARFIELD HOSPITAL**, in the above-captioned action.

**McINTYRE, DUGAS, HARTYE & SCHMITT**



Attorneys for Defendant

CLEARFIELD HOSPITAL

**MICHAEL A. SOSNOWSKI, ESQUIRE**

**PA I.D.#: 67207**

P.O. Box 533

Hollidaysburg, PA 16648-0533

PH: (814) 696-3581

FAX: (814) 696-9399

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

No.: 02-335-CD

LINDA J. CURRY,

Defendant.

vs.

CLEARFIELD HOSPITAL,


Additional Defendant.

**ISSUE: PRELIMINARY OBJECTIONS  
TO COMPLAINT TO JOIN  
ADDITIONAL DEFENDANT**

Filed on Behalf of Additional Defendant:  
**CLEARFIELD HOSPITAL**

Counsel of Record for This Party:  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA ID# 67207**  
P.O. Box 533  
Hollidaysburg, PA 16648  
PH: 814/696-3581  
FAX: 814/696-9399

I CERTIFY THAT A TRUE AND CORRECT  
COPY OF THE WITHIN HAS BEEN SERVED  
ON ALL COUNSEL OF RECORD THIS 28<sup>th</sup>  
DAY OF MAY, 2002.

  
Attorneys for Named Defendants

**FILED**

MAY 28 2002  
m/11:04/noc  
William A. Shaw  
Prothonotary



JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

LINDA J. CURRY,

Defendant.

vs.

CLEARFIELD HOSPITAL,

Additional Defendant.

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA

No.: 02-335-CD

**JURY TRIAL DEMANDED**

**PRELIMINARY OBJECTIONS TO COMPLAINT TO JOIN ADDITIONAL DEFENDANT**

Additional Defendant, CLEARFIELD HOSPITAL, through its counsel, McINTYRE, DUGAS, HARTYE & SCHMITT, files the following Preliminary Objections to original defendant's Complaint to Join.

1. The events giving rise to this lawsuit occurred on May 10, 2000, when plaintiff Josephine Galio was involved in an automobile accident, and also on June 4, 2000, when Mrs. Galio fell while a patient at Clearfield Hospital.

2. Plaintiffs initiated this action against Linda Curry alleging negligence from the May 10, 2000 automobile accident. Defendant Curry has now filed a Complaint to Join Clearfield Hospital as an additional defendant based upon allegations surrounding the June 4, 2000, fall.

3. In her Complaint to Join Clearfield Hospital as an additional defendant, Ms. Curry attempts to set forth particular allegations of negligence against Clearfield Hospital in

4. Paragraph 5 and its subparagraphs. It is alleged that Clearfield Hospital is solely or partially at fault for plaintiff's June 4, 2000 injuries in the following alleged particulars:

- (a) Failure to provide proper care and supervision to Plaintiff;
- (b) Failure to provide appropriate assistance to Plaintiff in the utilization of the Transitional Care Unit bathroom facilities;
- (c) Failure to provide adequate and proper facilities to accommodate Plaintiff's condition;
- (d) Failure to provide adequate and proper safety measures to prevent or minimize Plaintiff's injuries;
- (e) Failure to properly train, supervise and/or dispatch personnel to care for, supervise and assist Plaintiff during her stay at Clearfield Hospital facilities;
- (f) Failure to adopt proper policies, procedures and safeguards that would have prevented Plaintiff's injuries.

5. The allegations of Paragraph 5 that are set forth above are vague, overly broad averments, which do not comply with Pennsylvania's specific fact pleading requirements.

6. In addition to not apprising Clearfield Hospital in a meaningful way of the allegations against it, these general allegations could be utilized to expand a cause of action after the applicable statute of limitations or so close to trial as to impair Clearfield Hospital's ability to defend itself.

WHEREFORE, Clearfield Hospital respectfully requests that the Court enter an Order striking subparagraphs (a) through (f) of Paragraph 5 of defendant's Complaint to Join Additional

Defendant or, in the alternative, requiring original defendant to replead the objected to subparagraphs to comply with Pennsylvania's specific fact pleading requirements.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

Michael A. Sosnowski

Attorneys for Additional Defendant

CLEARFIELD HOSPITAL

**MICHAEL A. SOSNOWSKI, ESQUIRE**

**PA ID# 67207**

P.O. Box 533

Hollidaysburg, PA 16648

PH: 814/696-3581

FAX: 814/696-9399

TO: JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife

You are hereby notified to file a written Response  
To the enclosed **Preliminary Objections** within  
**Twenty (20) days** from service hereof or a judgment  
May be entered against you.

Michael A. Sosnowski

Attorneys for Additional Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,  
Plaintiffs

-vs-

LINDA J. CURRY,  
Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Original Defendant's  
Memorandum in Response  
to Preliminary Objections  
of Additional Defendant

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

JUN 13 2002

M/10'38/1000  
William A. Shaw  
Prothonotary

*CSH*

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

No. 02-335-CD

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

**ORIGINAL DEFENDANT'S RESPONSE  
TO PRELIMINARY OBJECTIONS TO  
COMPLAINT TO JOIN ADDITIONAL DEFENDANT**

AND NOW, comes the original Defendant, Linda J. Curry,  
by her attorneys, Hanak, Guido and Taladay, and hereby files the  
within Memorandum of Law in opposition to Preliminary Objections to  
Complaint to Join Additional Defendant.

**I     Background**

The Plaintiff, Josephine Galio, filed a Complaint against the  
original Defendant alleging that the original Defendant's negligence  
caused her to sustain injuries which ultimately placed her under the  
care of the Clearfield Hospital. While a patient at the Clearfield  
Hospital, Josephine Galio sustained an additional fall resulting in a  
fractured femur.

The original Defendant herein, Linda Curry, has filed a Complaint to Join Additional Defendant, Clearfield Hospital. In the Complaint to Join Additional Defendant, it is contended that the injuries sustained by Josephine Galio while a patient at Clearfield Hospital were wholly or partly the result of the negligence of Clearfield Hospital, which negligence was specified in paragraph 5 as follows:

5. Liability for the injuries sustained by Plaintiff on June 4, 2000 are solely or partially the fault of the negligence of Clearfield Hospital, which is as follows:
  - (a) Failure to provide proper care and supervision to Plaintiff;
  - (b) Failure to provide appropriate assistance to Plaintiff in the utilization of the Transitional Care Unit bathroom facilities;
  - (c) Failure to provide adequate and proper facilities to accommodate Plaintiff's condition;
  - (d) Failure to provide adequate and proper safety measures to prevent or minimize Plaintiff's injuries;
  - (e) Failure to properly train, supervise and/or dispatch personnel to care for, supervise and assist Plaintiff during her stay at Clearfield Hospital facilities;
  - (f) Failure to adopt proper policies, procedures and safeguards that would have prevented Plaintiff's injuries.

Clearfield Hospital has filed Preliminary Objections to this Complaint, alleging that pleading in general and the allegations of negligence in particular lack specificity. This Memorandum of Law is submitted in response to Preliminary Objections.

## II. Argument

Defendant filed a Complaint to Join Additional Defendant, Clearfield Hospital, under the Pennsylvania Rule of Civil Procedure Rule 2252. Rule 2252(b) requires that a defendant's complaint aver the factual basis for an additional defendant's liability in the same form and manner as the plaintiff's complaint under Pa.R.C.P. 1019. As under Rule 1019(a), a Rule 2252 complaint should formulate the issues by fully summarizing the "material" or "ultimate" facts, i.e., those facts essential to support the claim. General State Authority vs. Sutter Corp., 452 A.2d 75 (PA Cmwlth. 1982).

When moving to join an additional defendant, it is necessary for the original defendant to aver facts sufficient, if proven, to support a finding of the liability alleged. Eckrich vs. DiNardo, 423 A.2d 727 (Pa.Super. 1980). This does not mean that an original defendant must set forth the evidentiary facts upon which his allegations of liability rests, but only the operative facts upon which he relies to support this allegation. Id. Furthermore, if there exists any doubt as to whether the averments of the complaint would permit recovery if ultimately proven, the preliminary objections should not be sustained. Id.

Generally, under Pa.R.C.P. 2252 and 1019, a complaint to join an additional defendant must (1) contain averments of all the facts the defendant will have to prove eventually to recover; and (2) be sufficiently specific to enable the additional defendant to prepare a defense. See General State Authority vs. Sutter Corp., 452 A.2d at

77-78. A complaint, however, need not be all inclusive narrative of events underlying the claim. For the purpose of preliminary objections, the test to determine if a pleading meets Pennsylvania specificity requirements is whether the allegations are "sufficiently specific so as to enable a defendant to prepare its defense." *Treco, Inc. vs. Wolf Investments Corp.* (Westlaw No. 1765, Control No. 121224, Feb. 15, 2001 citing *Smith vs. Wagner*, 403 Pa.Super. 316, 319, 588 A.2d 1308, 1310 (1991)).

Additional Defendant's Brief in Support of the Preliminary Objections suggests that Pa.R.C.P. 1019 requires "specific allegations of negligence". Pa.R.C.P. 1019 requires particularity in averring fraud or mistake (1019(b)), denials of performance or occurrence of conditions precedent (1019(c)), and time, place and items of special damages (1019(f)). However, there is no requirement in Rule 1019 that acts of negligence be pled with particularity. Instead, a pleading may generally aver acts of negligence by summarizing the essential facts to support the claim, and omitting averments of evidentiary facts that will ultimately be needed as proof of the claims. See *Mellott vs. Slezak*, 25 Pa. D&C 4th 18 (*Common Pleas - Westmoreland Co.* 1995).

The Additional Defendant, Clearfield Hospital, contends in its Preliminary Objections that the Complaint to Join Additional Defendant is objectionable on the basis of *Connor vs. Allegheny General Hospital*, 501 Pa. 306, 461 A.2d 600 (1983). *Connor* serves as a basis for striking broad, catch-all allegations of negligence - the concern being that a catch-all allegation of negligence that is so general affords the plaintiff the opportunity to supplement the negligent allegations at a later point in the proceedings. For example, in *Connor*, the catch-all

allegation was that the defendant "otherwise failed to use due care and caution under the circumstances", and in Treco, Inc. vs. Wolf Investments, Supra., the objectionable allegation was that the defendant was "otherwise negligent under the circumstances".

Nowhere in the Complaint to Join Additional Defendant has the Defendant, without more, alleged that Clearfield Hospital "otherwise failed to use due care and caution under the circumstances" as did the plaintiffs in the Connor case. In fact, there is nothing vague about Defendant's allegations of negligence against Clearfield Hospital. Paragraph 5 of the Complaint to Join Additional Defendant particularly alleges the time, place and events, and sufficiently defines the acts of negligence to apprise the Additional Defendant of the claims and allow Clearfield Hospital to prepare a defense. Contrary to Connor, the complaint to join additional defendant does not afford the additional defendant opportunity to supplement the claims with presently unidentified allegations of negligence which may arise later in the proceedings. See Mellott vs. Slezak, 25 Pa. D&C 4th at 22-23.

The issue of the sufficiency of the allegations in a complaint to join additional defendant was addressed by the Common Pleas Court of Mercer County in the case of Hickman vs. Bross, 55 Pa. D&C 2nd 783 (1972). In this case, the plaintiff sued a retail carpet seller, distributor and manufacturer alleging that the carpet he purchased was defective and unfit for use. The defendant seller claimed that the harm suffered was caused by the negligent and improper use of a cleaning machine. The defendant seller sought to joint the carpet cleaning company as an additional defendant.

The additional defendant filed preliminary objections to the complaint to join the additional defendant contending that the defendant's complaint insufficiently alleged acts of negligence and was so vague that the additional defendant was unable to answer or prepare a defense. Specifically, the averment of negligence objected to was that the additional defendant "negligently and improperly used a cleaning machine and cleaning materials causing the said carpet to fall apart and become unusable".

The Common Pleas Court rejected the contention that this was an insufficient allegation of negligence, holding,

"It is a well-settled rule that where facts are equally or more within the knowledge of the adverse party, he is not entitled to as much precision in his pleading as if he did not know them. The proper use of the cleaning machine and cleaning materials are clearly matters as matter, in deed if not more, within the knowledge of the additional defendant. The original defendant has averred the time, place and result of the cleaning, and, we hold, has sufficiently averred the nature of the negligence alleged." Hickman, 55 Pa. D&C 2nd at 788 (internal citations omitted).

Similarly, in this case, the standards for proper care, proper assistance, proper facilities and adequate hospital policies, procedures and safeguards are matters within the knowledge of the Additional Defendant. The original defendant, particularly averred the time, place and injuries resulting from the occurrence at Clearfield Hospital in compliance with Pa.R.C.P. Rule 1019. Also, the complaint sufficiently avers the nature of the hospital's negligence to put the additional defendant on notice of the facts which it has to refute. That is all that is required of a complaint. See Line Lexington Lumber and Millwork Co., Inc. vs. Pennsylvania Publishing Corp., 301 A.2d 684,

689 (Pa. 1973) (If the defendant is put on notice of the facts which it has to refute, that is all that is required of a complaint.)

### **III. Conclusion**

In its Complaint to Join Additional Defendant, the Defendant has pled the occurrence of an incident at Clearfield Hospital, the date and the resulting injuries. Paragraph 5 of the pleading sufficiently alleges acts of negligence which may result in the hospital's liability, and which enables the hospital to prepare a defense. The Defendant need not, and should not, plead averments of evidentiary facts. Any more specific facts to support the allegations of negligence are within the knowledge of the Additional Defendant, and it is not entitled to any more precision in this pleading. The Complaint to Join Additional Defendant does not contain a catch-all allegation of negligence that would make it objectionable under Connor.

Wherefore, Defendant requests the Preliminary Objections to the Complaint to Join Additional Defendant be dismissed and Additional Defendant, Clearfield Hospital, be ordered to file a responsive pleading thereto.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By



Matthew B. Taladay

Attorney for Defendant Curry

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

No. 02-335-CD

-vs-

CLEARFIELD HOSPITAL,

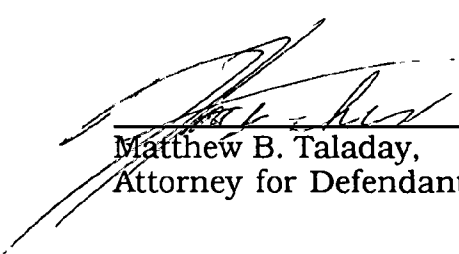
Additional Defendant

**CERTIFICATE OF SERVICE**

I certify that on the 12<sup>th</sup> day of June, 2002, a true and correct copy of Defendant's Response to Additional Defendant's Preliminary Objections was sent via first class mail, postage prepaid, to the following:

William A. Shaw, Jr., Esq.  
Attorney for Plaintiffs  
21 North Second Street  
Clearfield, PA 16830

Michael A. Sosnowski, Esq.  
Attorney for Additional Defendant  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648

  
Matthew B. Taladay,  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

JOSEPHINE A. GALIO and

:

DOMINIC GALIO, husband and wife

:

-vs-

:

No. 02 - 335 - CD

LINDA J. CURRY

:

-vs-

:

CLEARFIELD HOSPITAL

:

**ORDER**

NOW, this 4<sup>th</sup> day of September, 2002, following argument into Preliminary Objections filed on behalf of the Additional Defendant to the Complaint to Join Additional Defendant filed by the Original Defendant, it is the ORDER of this Court that said Objections be and are hereby granted to the extent that the Original Defendant shall file a more specific pleading with regards to paragraph 5 of said Complaint and subparagraphs thereunder within 30 days from completion of discovery.

By the Court,

President Judge

**FILED**

SEP 04 2002

013:20/12  
William A. Shaw  
Prothonotary

SENT TO ATTY SHAW  
TALBOT  
SOSNOWSKI

**HANAK, GUIDO and TALADAY**  
**Attorneys at Law**

Robert M. Hanak  
Anthony S. Guido  
Matthew B. Taladay

Telephone: (814) 371-7768  
Fax: (814) 371-1974

498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

Nicole Hanak Bankovich  
Jeffrey S. DuBois

June 12, 2002

William A. Shaw  
Prothonotary  
P.O. Box 549  
Clearfield, PA 16830

Re: Galio vs. Curry vs. Clearfield Hospital  
No. 02-335-CD

Dear Mr. Shaw:

Enclosed please find Defendant Curry's Memorandum in Response to Preliminary Objections which were filed by Additional Defendant, Clearfield Hospital. Kindly note that I have attached a Certificate of Service to the Memorandum evidencing the service of a copy upon Attorney Shaw, Attorney for Plaintiffs and Attorney Sosnowski, Attorney for Clearfield Hospital.

If you should have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,

Matthew B. Taladay

MBT:kam

Encs.

cc: William A. Shaw, Jr., Esq.  
Michael A. Sosnowski, Esq.  
David Meholick, Court Administrator ✓

**RECEIVED**  
**JUN 13 2002**  
COURT ADMINISTRATOR'S  
OFFICE

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Notice of  
Service

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

SEP 09 2002

M110:40/ncc  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,  
Plaintiffs

-vs-

No. 02-335-CD

LINDA J. CURRY,  
Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

**NOTICE OF SERVICE**

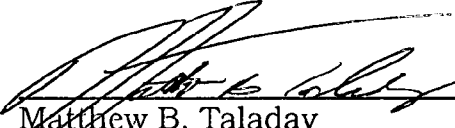
I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Additional Defendant, via United States mail, first class, postage pre-paid, this 6th day of September, 2002, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

Michael A. Sosnowski, Esq.  
Attorney for Additional Defendant  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648

With a copy to:

William A. Shaw, Jr., Esq.  
Attorney for Plaintiffs  
211 North Second Street  
Clearfield, PA 16830

Dated: 09/06/02

  
Matthew B. Taladay  
Attorney for Defendant, Linda J. Curry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOSEHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

No.: 02-335-CD

LINDA J. CURRY,

Defendant.

vs.

CLEARFIELD HOSPITAL,

Additional Defendant.

**ISSUE:**

**NOTICE OF SERVICE OF GENERAL  
INTERROGATORIES, EXPERT  
INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO ORIGINAL  
DEFENDANT DATED 9/13/02**

Filed on Behalf of Additional Defendant:  
**CLEARFIELD HOSPITAL**

Counsel of Record for This Party:  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA I.D.: #67207**  
P.O. Box 533  
Hollidaysburg, PA 16648  
PH: 814/696-3581  
FAX: 814/696-9399

I CERTIFY THAT A TRUE AND CORRECT  
COPY OF THE WITHIN HAS BEEN SERVED  
ON ALL COUNSEL OF RECORD THIS 13<sup>TH</sup>  
DAY OF SEPTEMBER, 2002.

*Michael A. Sosnowski*

Attorneys for Named Defendants

**FILED**

SEP 16 2002

mj1135/noc  
William A. Shaw  
Prothonotary

JOSEHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

LINDA J. CURRY,

Defendant.

vs.

CLEARFIELD HOSPITAL,

Additional Defendant.

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA

No.: 02-335-CD

**JURY TRIAL DEMANDED**

**NOTICE OF SERVICE OF GENERAL INTERROGATORIES,  
EXPERT INTERROGATORIES AND REQUEST FOR PRODUCTION  
OF DOCUMENTS DIRECTED TO ORIGINAL DEFENDANT DATED 9/13/02**

TO: PROTHONOTARY

You are hereby notified that on the **13th** day of **September, 2002**, Additional Defendant, Clearfield Hospital served General Interrogatories, Expert Interrogatories and Request for Production of Documents Directed to Original Defendant Dated 9/13/02 by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Matthew Taladay, Esquire  
Hanak, Guido & Taladay  
P.O. Box 487  
DuBois, PA 15801

McINTYRE, DUGAS, HARTYE & SCHMITT

*Michael A. Sosnowski*

Attorneys for Additional Defendant,  
Clearfield Hospital

**Michael A. Sosnowski, Esquire**

**PA I.D.: #67207**

P.O. Box 533

Hollidaysburg, PA 16648

(814) 696-3581

(814) 696-9399 – Fax

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,  
Plaintiffs

-vs-

LINDA J. CURRY,  
Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Notice of  
Service

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

OCT 23 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,  
Plaintiffs

-vs-

LINDA J. CURRY,  
Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

No. 02-335-CD

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I mailed via United States mail, first class, postage pre-paid, this 22nd day of October, 2002, Defendant's RESPONSES TO DISCOVERY MATERIALS of Additional Defendant to the below indicated person, at said address, being counsel of record for the Additional Defendant:

Michael A. Sosnowski, Esq.  
Attorney for Additional Defendant  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648

With a copy to:

William A. Shaw, Jr., Esq.  
Attorney for Plaintiffs  
211 North Second Street  
Clearfield, PA 16830

Dated: 10/22/02

  
Matthew B. Taladay  
Attorney for Defendant, Linda J. Curry

**FILED** <sup>no</sup> <sup>cc</sup>  
OCT 23 2002  
10:48 AM  
10/23/02

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Certificate  
of Service

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

FILED

JAN 15 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,  
Plaintiffs

-vs-

No. 02-335-CD

LINDA J. CURRY,  
Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

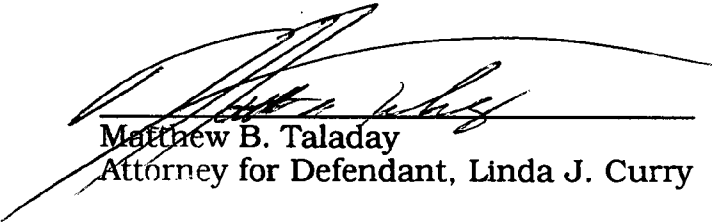
**CERTIFICATE OF SERVICE**

I certify that on the 14th day of January, 2003, a Notice of Deposition, copy of which is attached hereto, was sent via first class mail, postage prepaid, to the following:

William A. Shaw, Jr., Esq.  
Attorney for Plaintiffs  
211 North Second Street  
Clearfield, PA 16830

With a copy to:

Michael A. Sosnowski, Esq.  
Attorney for Additional Defendant  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648



Matthew B. Taladay  
Attorney for Defendant, Linda J. Curry

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

No. 02-335-CD

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

**NOTICE OF DEPOSITION**

TO: JOSEPHINE A. GALIO  
c/o William A. Shaw, Jr., Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Tuesday, February 18, 2003 at 10:00 a.m.** at the law office of William A. Shaw, 211 North Second Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.

  
Matthew B. Taladay,  
Attorney for Defendant Curry

CA

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,  
Plaintiffs

-vs-

LINDA J. CURRY,  
Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Motion to  
Compel Discovery

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

FILED

JAN 15 2003

William A. Shaw  
Prothonotary

**JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,**

**-VS-**

**No. 02-335-CD**

**-VS-**

**Additional Defendant**

3. The office of the undersigned counsel for original Defendant has been attempting to schedule discovery depositions of current employees of Additional Defendant, Clearfield Hospital, since September, 2002. Despite repeated attempts to schedule depositions,

Additional Defendant has not been compliant in providing an agreeable deposition date.

4. Original Defendant and Plaintiff have agreed upon February 18, 2003, beginning at 11:00 a.m. as the date for depositions in this matter, to be held at the offices of William A. Shaw, Jr., Esq., 211 North Second Street, Clearfield, Pennsylvania. Original Defendant seeks to have this Court issue an Order to compel the Additional Defendant to present for depositions its employees, Lori Conklin, R.N. and Jonie Whitehead, R.N. for deposition at this time and place.

5. The requested depositions are necessary to complete discovery in this matter and to move the case forward. Your undersigned counsel for original Defendant has contacted William Shaw, Esq., Attorney for Plaintiff, who endorses the within Motion to Compel.

WHEREFORE, it is respectfully requested that this Motion to Compel Discovery be granted.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

  
Matthew B. Taladay  
Attorney for Defendant

FILED

ICC

012:46:44  
JAN 15 2003

Atty Taladay  
E. J. Taladay

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL

Additional Defendant

No. 02-335-CD

**ORDER**

AND NOW, this 17<sup>th</sup> day of January, 2003,  
upon Motion for original Defendant and endorsed by Plaintiff,

IT IS HEREBY ORDERED that the Additional Defendant,  
Clearfield Hospital, shall appear by counsel and present its employees  
for purposes for deposition on February 18, 2003, at 11:00 a.m. at the  
Law Office of William A. Shaw, Jr., 211 North Second Street,  
Clearfield, Pennsylvania.

BY THE COURT,



J.

FILED

JAN 17 2003

William A. Shaw  
Prothonotary

**JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,**

LINDA J. CURRY,

**-VS-**

# CLEARFIELD HOSPITAL

### Additional Defendant

**No. 02-335-CD**

**SHOW CAUSE ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2003,  
Rule is hereby issued upon Michael Sosnowski, Counsel for Additional  
Defendant, to show cause, if any, why original Defendant's Motion to  
Compel Discovery should not be granted.

Rule Returnable the \_\_\_\_\_ day of \_\_\_\_\_,  
2003, at \_\_\_\_\_ M. in Courtroom No. \_\_\_\_\_ of the Clearfield  
County Courthouse, 230 E. Market Street, Clearfield, Pennsylvania.

BY THE COURT,

J.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Certificate  
of Service

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

FILED

JAN 22 2003

William A. Shaw  
Prothonotary

Matthew B. Taladay  
Attorney for Defendant, Linda J. Curry

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:  
Amended  
Complaint to Join  
Additional Defendant

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

JUN 19 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

No. 02-335-CD

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of Court Administrator  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830

(814) 765-2641 Ext. 1303

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

No. 02-335-CD

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

**AMENDED COMPLAINT TO  
JOIN ADDITIONAL DEFENDANT**

AND NOW, comes the original Defendant, LINDA J. CURRY, by and through her attorneys, HANAK, GUIDO AND TALADAY, and files the within Amended Complaint to Join Additional Defendants, and in support thereof avers the following:

1. Additional Defendant, Clearfield Hospital, is a non-profit corporation with offices at 809 Turnpike Avenue, Clearfield, Clearfield County, Pennsylvania.

2. Plaintiff instituted this action against Defendant alleging that as a result of an incident of May 10, 2000 wherein Plaintiff was bumped by Defendant's automobile. A copy of Plaintiffs' Complaint is attached as Exhibit "A".

3. Plaintiff's Complaint seeks damages for an incident which occurred at the Clearfield Hospital on or about June 4, 2000 at

which time Plaintiff sustained a fractured left leg as a result of a fall in a bathroom in the Clearfield Hospital Transitional Care Unit.

4. On June 4, 2000 Josephine Galio was escorted to the shower facilities at the Transitional Care Unit of Clearfield Hospital. In traveling from your room to the shower facilities, Ms. Galio required the assistance of a walker.

5. Upon arriving at the shower room, hospital personnel instructed Ms. Galio to disrobe in the dressing area adjacent to the shower stall and then assisted Plaintiff, with the help of her walker, in getting into the shower stall.

6. At the time Ms. Galio entered the shower stall, the tile floor of the dressing area adjacent to the shower area was noticeably wet from prior usage or maintenance.

7. After assisting Ms. Galio to the shower stall, Clearfield Hospital personnel took the Plaintiff's walker and placed it on the far side of the dressing area, away from the shower stall. A small paper mat was also placed on the floor of the dressing area.

8. Upon completing her shower, Joseph Galio attempted to move from the shower stall to the dressing area utilizing the handrails in place.

9. As she moved from the shower stall to the dressing area, Joseph Galio placed her foot upon the small paper mat that had been place by hospital personnel, and upon doing so, the mat slid out from under her, resulting in a fall that caused the Plaintiff's leg injuries.

10. Liability for the injuries sustained by Plaintiff on June 4, 2000 are solely or partially the fault of the negligence of Clearfield Hospital, which is as follows:

(a) In to provide the Plaintiff with a non-slippery surface in the dressing room area when it knew or should have known that such failure could result in the harm sustained by the Plaintiff;

(b) In failing to place a bath mat of appropriate size and material in the dressing area adjacent to the shower stall when it knew or should have known that failure to do so would result in Plaintiff's injuries;

(c) In placing a small paper mat on the wet floor of the dressing area adjacent to the shower stall when it knew or should have know to do so would result in an unreasonably dangerous condition;

(d) In failing to provide a proper barrier or partition between the shower stall and dressing area so as to prevent the floor of the dressing area from becoming damp and/or slippery when it knew or should have known that this failure could result in injury to the Plaintiff or others similarly situated;

(e) Failure to properly monitor Plaintiff's shower activities when it knew or in the exercise of reasonable care should have known based on prior experience that Plaintiff may attempt to move from the shower stall to the dressing area without assistance;

(f) In moving Plaintiff's walker to the portion of the dressing area most distant from the shower stall when it knew

or should have known based on previous experience that Plaintiff may attempt to move from the shower stall to the dressing area on her own, and that placing the walker out of reach would increase the risk of injury to Plaintiff;

(g) In failing to provide proper and adequate handrails to assist the Plaintiff in maneuvering from the shower stall to the adjacent area when it knew or should have known that its failure to do so would result in injuries to the Plaintiff;

(h) In failing to inspect the floor of the dressing area prior to escorting Plaintiff to the shower stall/dressing area when it was know or should have been known in the exercise of reasonable care that excess moisture on the floor from prior users could result in injury to the Plaintiff or others similarly situated;

(i) In failing to adopt appropriate policies and procedures to prevent Plaintiff from moving from the shower stall to the dressing area without assistance when it knew based on prior experiences that Plaintiff may attempt to do so, representing an unreasonable risk of harm to Plaintiff.

11. As a result of the negligence aforesaid, Additional Defendant, Clearfield Hospital, is solely or partially liable for the injuries sustained by Plaintiff as a result of her fall on June 4, 2000. In the event that Defendant, Linda J. Curry, is in any way found responsible to Plaintiff for her injuries of June 4, 2000, then Defendant, Linda J. Curry, may have judgment over and against Additional Defendant, Clearfield Hospital, by way of indemnification and/or contribution in any amount so recovered by Plaintiff and against Defendant, together with costs.

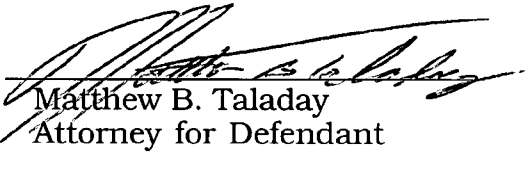
WHEREFORE, Defendant Curry demands:

- (1) Judgment in her favor, together with costs;
- (2) Judgment that, if there is any liability to Plaintiff, Additional Defendant, Clearfield Hospital, is solely liable to Plaintiff;
- (3) In the event that a verdict is recovered by Plaintiff against Defendant that Defendant may have judgment over and against Additional Defendant, Clearfield Hospital, by way of indemnity and/or contribution for the amount recovered by Plaintiff against Defendant, together with costs.

A JURY TRIAL IS DEMANDED.

HANAK, GUIDO AND TALADAY

By

  
Matthew B. Taladay  
Attorney for Defendant

**VERIFICATION**

I, **Linda J. Curry**, do hereby verify that I have read the foregoing Complaint to Join Additional Defendant. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 6/13/03

Linda J. Curry  
Linda J. Curry

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

No. 02-335-CD

**CERTIFICATE OF SERVICE**

I certify that on the 17<sup>th</sup> day of June, 2003, a true and  
correct copy of Defendant's Amended Complaint to Join Additional  
Defendant was sent via first class mail, postage prepaid, to the  
following:

Michael A. Sosnowski, Esq.  
Attorney for Additional Defendant  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648

With a copy to:

William A. Shaw, Jr., Esq.  
Attorney for Plaintiffs  
211 North Second Street  
Clearfield, PA 16830

  
Matthew B. Taladay,  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOSEHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

LINDA J. CURRY,

Defendant

vs.

CLEARFIELD HOSPITAL,

Additional Defendant

No.: 02-335-CD

**ISSUE:**  
**ANSWER, NEW MATTER and**  
**NEW MATTER PURSUANT**  
**TO Pa. R.C.P. 2252(d)**

Filed on Behalf of Additional Defendant:  
**CLEARFIELD HOSPITAL**

Counsel of Record for This Party:  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA I.D.: #67207**  
P.O. Box 533  
Hollidaysburg, PA 16648  
PH: 814/696-3581  
FAX: 814/696-9399

I CERTIFY THAT A TRUE AND CORRECT  
COPY OF THE WITHIN HAS BEEN SERVED  
ON ALL COUNSEL OF RECORD THIS 10<sup>th</sup>  
DAY OF JULY, 2003.

*Michael A. Sosnowski*

Attorneys for Named Defendants

**FILED**

JUL 11 2003

William A. Shaw  
Prothonotary

JOSEHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

LINDA J. CURRY,

Defendant

vs.

CLEARFIELD HOSPITAL,

Additional Defendant.

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA

No.: 02-335-CD

**JURY TRIAL DEMANDED**

**ANSWER**

AND NOW, Additional Defendant, CLEARFIELD HOSPITAL, through its counsel, McINTYRE, DUGAS, HARTYE & SCHMITT, files the following Answer, New Matter and New Matter Pursuant to Pa. R.C.P. 2252(d) to original Defendant's Amended Complaint to Join.

1. The averments of Paragraph 1 are admitted.

2. Although a copy of the original Complaint was not attached to the Amended Complaint to Join as averred, Additional Defendant is aware that said action was initiated, and these averments are admitted to that extent.

3. The averments of Paragraph 3 are denied as stated. By way of further response, Plaintiff's Complaint seeks damages not only arising from an incident occurring on June 4, 2000, but also for an accident taking place on May 10, 2000.

4. The averments of Paragraph 4 are admitted.

5. The averments of Paragraph 5 are admitted.

6. After reasonable investigation, this Additional Defendant is without sufficient knowledge or information to admit or deny the averments of Paragraph 6. Accordingly, these averments are deemed denied and strict proof thereof is demanded at the time of trial.

7. The averments of Paragraph 7 are admitted.

8. To the best of Clearfield Hospital's knowledge and information, the averments of Paragraph 8 are correct and therefore admitted. However, by way of further response, it is further averred that Plaintiff failed to utilize the call bell for assistance as she had been directed by hospital staff prior to attempting to move from the shower stall to the dressing area.

9. After reasonable investigation, Clearfield Hospital is without sufficient knowledge or information to admit or deny the averments of Paragraph 9 as stated. It is admitted that Plaintiff sustained a fall in the shower area, and that she sustained a leg injury as a result. In all other context, these averments are deemed denied and strict proof thereof is demanded at the time of trial.

10. The averments of Paragraph 10, including all subparagraphs contained therein, are generally denied pursuant to Pa. R.C.P. 1029(e). By way of further response, it is averred that Plaintiff had been given instructions to utilize a call bell which would have completely avoided this event had she utilized it as instructed, and that she had in fact utilized this call bell for assistance on the previous occasion which she had used the shower area.

11. The averments of Paragraph 11 consist of conclusions of law to which no response is required. To the extent a response is deemed necessary, these averments are generally denied pursuant to Pa. R.C.P.1029(e). By way of additional response, Clearfield Hospital denies that it is liable in any fashion, solely or by way of indemnification and/or contribution, for any injuries sustained by Plaintiff or arising from the conduct of original Defendant and/or Plaintiff.

WHEREFORE, Additional Defendant, Clearfield Hospital, denies it is liable to Plaintiff, original Defendant or any other party, either solely or by virtue of contribution and/or indemnification, and demands that judgment be entered in its favor and that this action be dismissed against it with prejudice.

**NEW MATTER**

12. The responses contained in Paragraph 8 of Additional Defendant, Clearfield Hospital's Answer to Complaint to Join are incorporated by reference as if set forth at length herein.

13. By failing to utilize the call bell in the shower as instructed, Plaintiff caused and/or contributed to her own injury and the defenses of comparative/contributory negligence are raised accordingly.

14. It is averred that any injuries sustained by Plaintiff, including injuries arising from the event of June 4, 2000, at the Clearfield Hospital Transitional Care Unit, arose from the May 10, 2000, vehicle accident involving Plaintiff and original Defendant.

WHEREFORE, Additional Defendant, Clearfield Hospital, denies it is liable to Plaintiff, original Defendant or any other party, either solely or by virtue of contribution and/or indemnification, and demands that judgment be entered in its favor and that this action be dismissed against it with prejudice.

**NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d)**

15. Additional Defendant, Clearfield Hospital incorporates by reference the averments of Plaintiff's original Complaint against original defendant as set forth in the Complaint filed at No. 02-335-CD in the Court of Common Pleas of Clearfield County, Pennsylvania, as if the same were set forth at length herein.

16. Additional Defendant, Clearfield Hospital, hereby joins original Defendant, Linda J. Curry, as an additional Defendant for the purposes of asserting a cross-claim for sole liability and/or contribution and/or indemnification relative to the averments set forth in the original Complaint and Complaint to Join in this case.

WHEREFORE, Additional Defendant, Clearfield Hospital, denies it is liable to Plaintiff, original Defendant or any other party, either solely or by virtue of contribution and/or indemnification, and demands that judgment be entered in its favor and that this action be dismissed against it with prejudice.

Respectfully submitted,


McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Additional Defendant  
CLEARFIELD HOSPITAL  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA ID# 67207**  
P.O. Box 533  
Hollidaysburg, PA 16648  
PH: 814/696-3581  
FAX: 814/696-9399

TO: JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband and wife  
and  
LINDA J. CURRY, Defendant

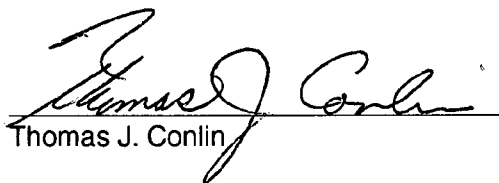
You are hereby notified to file a written Response  
To the enclosed **Answer, New Matter and New  
Matter Pursuant to Pa. R.C.P. 2252(d)** within  
**Twenty (20) days** from service hereof or a judgment  
May be entered against you.

  
Attorneys for Additional Defendant

**VERIFICATION**

I, **Thomas J. Conlin**, am the representative of **Clearfield Hospital** designated to execute verifications in this matter. In that capacity I am represented by counsel. I have furnished to my counsel factual information upon which the foregoing Additional Defendant's Answer, New Matter and New Matter Pursuant to Pa. R.C.P. 2252(d) is based. To the extent that it is based on the factual information provided to counsel, I verify that those facts are true and correct to the best of my knowledge, information and belief. However, the language is that of counsel and, to the extent that it goes beyond the factual information which I have provided to counsel, I have relied upon counsel in making this verification.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsifications to authorities.

  
Thomas J. Conlin

Date: \_\_\_\_\_

7/7/03

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,  
Additional Defendant

Type of Case: Civil Action

No. 02-335-CD

Type of Pleading:

Reply to New Matter

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

FILED

JUL 17 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

No. 02-335-CD

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

**REPLY TO NEW MATTER**

AND NOW, comes the Defendant, Linda J. Curry, by her attorneys, Hanak, Guido and Taladay, and files this response to the New Matter of Additional Defendant averring as follows:

11. Defendant, Linda J. Curry, incorporates by reference the averments of the Complaint to Join Additional Defendant as if set forth in full.

12. The averments of paragraph 12 constitute a conclusion of law to which no response is required.

13. Denied.

14. Denied. To the contrary, the injuries sustained by Plaintiff on June 4, 2000 were solely the result of the negligence of Clearfield Hospital as stated in the Additional Defendant Complaint.

WHEREFORE, Defendant, Linda J. Curry, demands judgment in her favor.

**REPLY TO NEW MATTER  
PURSUANT TO Pa. R.C.P. 2252(d)**

15. Defendant, Linda J. Curry, incorporates by reference her responses to the original Complaint, the averments set forth in the Additional Defendant Complaint, and responses to the New Matter set forth above in paragraphs 12 through 14 as if set forth in full.

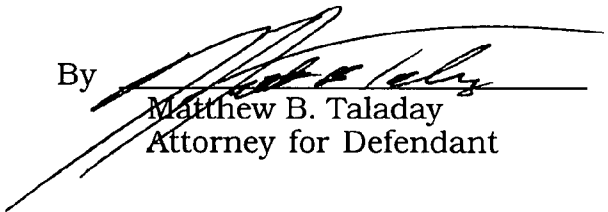
16. No response required.

WHEREFORE, Defendant, Linda J. Curry, demands judgment in her favor.

A JURY TRIAL IS DEMANDED.

HANAK, GUIDO AND TALADAY

By

  
Matthew B. Taladay  
Attorney for Defendant

**VERIFICATION**

I, Matthew B. Taladay, hereby verify that the statements contained in the foregoing REPLY TO NEW MATTER are correct to the best of my personal knowledge or information and belief based on information provided to me and I am authorized to make this verification on behalf of Defendant Curry because of my position as counsel of record.

July 16, 2003

  
Matthew B. Taladay  
Attorney for Defendant Curry

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JOSEPHINE A. GALIO and  
DOMINIC GALIO, husband  
and wife,

Plaintiffs

-vs-

LINDA J. CURRY,

Defendant

-vs-

CLEARFIELD HOSPITAL,

Additional Defendant

No. 02-335-CD

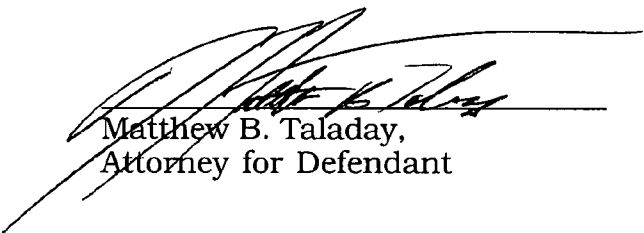
**CERTIFICATE OF SERVICE**

I certify that on the 16th day of July, 2003, a true and correct copy of Defendant's Reply to New Matter of Additional Defendant was sent via first class mail, postage prepaid, to the following:

Michael A. Sosnowski, Esq.  
Attorney for Additional Defendant  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648

With a copy to:

William A. Shaw, Jr., Esq.  
Attorney for Plaintiffs  
211 North Second Street  
Clearfield, PA 16830

  
Matthew B. Taladay,  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOSEHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

No.: 02-335-CD

LINDA J. CURRY,

Defendant.

vs.

CLEARFIELD HOSPITAL,

Additional Defendant.

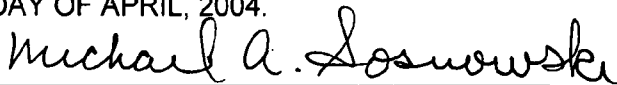
**ISSUE:**

**NOTICE OF SERVICE OF EXPERT  
INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFF JOSEPHINE A.  
GALIO DATED 04/21/04**

Filed on Behalf of Additional Defendant:  
**CLEARFIELD HOSPITAL**

Counsel of Record for This Party:  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA I.D. #67207**  
P.O. Box 533  
Hollidaysburg, PA 16648  
PH: 814/696-3581  
FAX: 814/696-9399

I CERTIFY THAT A TRUE AND CORRECT  
COPY OF THE WITHIN HAS BEEN SERVED  
ON ALL COUNSEL OF RECORD THIS 21<sup>st</sup>  
DAY OF APRIL, 2004.

  
Attorneys for Named Defendants

**FILED**

**APR 23 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

JOSEHINE A. GALIO and  
DOMINIC GALIO, husband and wife,

Plaintiffs,

vs.

LINDA J. CURRY,

Defendant.

vs.

CLEARFIELD HOSPITAL,

Additional Defendant.

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA

No.: 02-335-CD

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF EXPERT INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFF JOSEPHINE A. GALIO DATED 04/21/04**

TO: PROTHONOTARY

You are hereby notified that on the 21<sup>st</sup> day of April, 2004, Additional Defendant, Clearfield Hospital served Expert Interrogatories and Request for Production of Documents Directed to Plaintiff Josephine A. Galio Dated 04/21/04, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

William A. Shaw, Jr., Esquire  
221 North Second Street  
Clearfield, PA 16830

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By Michael A. Sosnowski  
Attorneys for Additional Defendant,  
Clearfield Hospital

Michael A. Sosnowski, Esquire  
PA I.D. 67207  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

CA

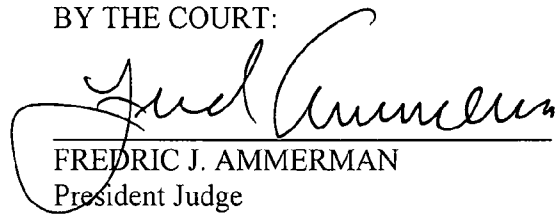
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

JOSEPHINE A. GALIO and DOMINC :  
GALIO, husband and wife :  
vs. : No. 02-335-CD  
LINDA J. CURRY :  
vs. :  
CLEARFIELD HOSPITAL :

**ORDER**

AND NOW, this 26 day of January, 2005, it is the ORDER of the  
Court that a status conference in the above-captioned matter is hereby scheduled for  
**Tuesday, March 1, 2005 at 9:00 A.M.** in Courtroom No. 1, Clearfield County  
Courthouse, Clearfield, PA.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

01/10/05  
01/10/05  
ICC  
Atty's:  
W. Shaw Jr.  
Talariday  
Sosnowski  
(CIA envelopes)  
6K

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

JOSEPHINE A. GALIO and :  
DOMINIC GALIO, husband and wife :  
vs. : No. 02-335-CD  
LINDA J. CURRY :  
vs. :  
CLEARFIELD HOSPITAL :


**ORDER**

AND NOW, this 15<sup>th</sup> day of March, 2005, it is the ORDER of the  
Court that the Court Administrator is directed to place the above-captioned case on the  
Spring 2005 Civil Jury Trial List.

FILED

MAR 01 2005  
03:30 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
CENT TO ATTY'S SHAW  
TALWANT  
SOSNOWSKI

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge